

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE *subscriber assigned IP address*
108.30.54.43,

Defendant.

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 11/21/19

No. 19-CV-2376 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

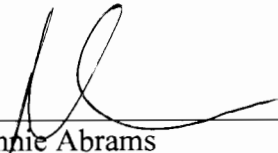
On October 29, 2019, Plaintiff filed a letter requesting an extension of time to effectuate service upon John Doe Defendant, and sought to extend the deadline to December 17, 2019. The Court granted this request on October 30, 2019 (Dkt. 21). On November 1, 2019, Plaintiff filed a notice of voluntary dismissal without prejudice as to Defendant John Doe. No other Defendants are named in this action. On November 7, 2019, the Court informed Plaintiff that if it did not hear otherwise from Plaintiff by November 14, 2019, it would dismiss this action with prejudice (Dkt. 24). Plaintiff has not filed any response to the Court's November 7th Order.

Rule 41(b) of the Federal Rules of Civil Procedure provides that a district court may dismiss an action if "the plaintiff fails to prosecute or otherwise comply with [the] rules or a court order." Fed. R. Civ. P. 41(b); *see also Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014). Under Rule 41(b), a district court may dismiss an action *sua sponte* for failure to prosecute after notifying the plaintiff. *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). Because the Court has not received any response from Plaintiff, including any indication that he intends to pursue this case, the instant action is dismissed with prejudice pursuant to Federal Rule

of Civil Procedure 41(b). The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: November 21, 2019
New York, New York



Ronnie Abrams
United States District Judge